

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:21-cv-00050-JRS-TAB**

SMITH v. MORRIS et al
Assigned to: Judge James R. Sweeney II
Referred to: Magistrate Judge Tim A. Baker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/07/2021
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

AARON SMITH

represented by **AARON SMITH**
167146
MIAMI - CF
MIAMI CORRECTIONAL FACILITY
Inmate Mail/Parcels
3038 West 850 South
Bunker Hill, IN 46914-9810
PRO SE

V.

Defendant

MORRIS
Sgt., IDOC Custody Staff

represented by **Carlton Wayne Anker**
Lewis and Wilkins LLP
Lewis and Wilkins LLP
8777 Purdue Road
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: anker@lewisandwilkins.com
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
Lewis And Wilkins LLP
8777 Purdue Rd
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: shouse@lewisandwilkins.com
ATTORNEY TO BE NOTICED

Defendant

C. JOHNSON
*Officer, IDOC Custody Staff, sued in their
individual and official capacities*

represented by **Carlton Wayne Anker**
(See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse

(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2021	1	COMPLAINT against C. JOHNSON and MORRIS filed by AARON SMITH. (No fee paid with this filing) (DJH) (Entered: 01/08/2021)
01/07/2021	2	MOTION for Leave to Proceed in forma pauperis filed by Plaintiff, AARON SMITH. (Attachments: # 1 Certificate of Prisoner Account, Transaction History Inquiry)(DJH) (Entered: 01/08/2021)
01/08/2021	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 01/08/2021)
01/11/2021	4	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US mail. (TMC) (Entered: 01/11/2021)
01/22/2021	5	Order on Motion to Proceed In Forma Pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. 2 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Thirty-Five Dollars and Seventy-Eight Cents (\$35.78). See 28 U.S.C. § 1915(b)(1). The plaintiff shall have through February 22, 2021, in which to pay this sum to the clerk of the district court. The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. 28 U.S.C. § 1915(b)(2). After the initial partial filing fee is received, a collection order will be issued to the plaintiff and the plaintiff's custodian, and the Court will screen the complaint in accordance with 28 U.S.C. § 1915A. (Copy to Plaintiff via U.S. mail) Signed by Judge James R. Sweeney II on 1/22/2021. (JDC) (Entered: 01/22/2021)
02/17/2021	6	RECEIPT #IP072640 for initial partial filing fee in the amount of \$35.78, paid by Plaintiff. (REO) (Entered: 02/18/2021)
03/02/2021	7	ORDER Directing Monthly Payments be made from Prison Account of AARON SMITH. Copy to Plaintiff and Warden via US Mail. Copy to Financial Deputy Clerk. Signed by Magistrate Judge Tim A. Baker on 3/2/2021.(SWM) (Entered: 03/02/2021)
03/11/2021	8	***DISREGARD DOCKETED IN ERROR***RECEIPT #IP073016 for partial filing fee in the amount of \$18.00, paid by Plaintiff. (REO) Modified on 4/15/2021 (REO). (Entered: 03/11/2021)
04/26/2021	9	ORDER SCREENING THE COMPLAINT, DISMISSING DEFICIENT CLAIMS, AND DIRECTING SERVICE OF PROCESS - Plaintiff Aaron Smith, an inmate at Pendleton Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 and the Indiana Constitution, alleging the defendants violated his civil rights. Because Mr. Smith is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen his complaint before service on the defendants. Mr. Smith's Eighth Amendment failure to protect claims shall proceed against Sgt. Morris and Ofc. Johnson in their individual capacities. All other claims are dismissed. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Sgt. Morris and Ofc. C. Johnson in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of service of Summons), and this Order. (Copy to Plaintiff via U.S. mail) Signed by Judge James R. Sweeney II on 4/26/2021.(JDC) (Entered: 04/26/2021)

04/26/2021	10	NOTICE of Lawsuit & Waiver Issued by Clerk to 1)Sgt. Morris, 2) Ofc. C. Johnson (RAGS) (JDC) (Entered: 04/26/2021)
04/26/2021	11	Documents for service by USM - re 10 NOTICE of Lawsuit & Waiver Issued by Clerk, 1 Complaint, 2 Order. Electronic notice to USM-C.(JDC) (Entered: 04/26/2021)
07/12/2021	12	ORDER - Because the plaintiff is proceeding in forma pauperis, this Court is obligated to assist him with serving the defendants. Fed. R. Civ. P. 4(c)(3). The Court's first attempt to issue process to the defendants was unsuccessful. See dks. 9, 10, 11. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to re-issue process to defendants Sgt. Morris and Officer C. Johnson in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1 , the Order screening the complaint, dkt. 9 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of service of Summons), and this Order. (Copy to Plaintiff via U.S. mail) Signed by Judge James R. Sweeney II on 7/12/2021.(JDC) (Entered: 07/12/2021)
07/12/2021	13	NOTICE of Lawsuit & Waiver Issued by Clerk issued to 1) Sgt. Morris; and 2) Ofc. C. Johnson (RAGS) (JDC) (Entered: 07/12/2021)
07/12/2021	14	Documents to be Sent via Electronic Notice - re 12 Order, 1 Complaint, 13 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (JDC) (Entered: 07/12/2021)
07/19/2021	15	NOTICE of Appearance by Thomas Joseph Flynn on behalf of Defendants C. JOHNSON, MORRIS. (Flynn, Thomas) (Entered: 07/19/2021)
07/19/2021	16	WAIVER OF SERVICE Returned Executed, filed by C. JOHNSON, MORRIS. C. JOHNSON waiver sent on 7/12/2021; MORRIS waiver sent on 7/12/2021. (Flynn, Thomas) (Entered: 07/19/2021)
07/19/2021	17	ANSWER to 1 Complaint <i>Affirmative Defenses and Demand for Jury Trial</i> , filed by C. JOHNSON, MORRIS.(Flynn, Thomas) (Entered: 07/19/2021)
07/19/2021	18	NOTICE of Appearance by Molly Michelle McCann on behalf of Defendants C. JOHNSON, MORRIS. (McCann, Molly) (Entered: 07/19/2021)
07/20/2021	19	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The defendants' exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through September 1, 2021, in which to either (see Entry). The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense (see Entry). Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 7/20/2021.(SWM) (Entered: 07/20/2021)
08/04/2021	20	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants C. JOHNSON, MORRIS. (Flynn, Thomas) (Entered: 08/04/2021)
08/04/2021	21	BRIEF/MEMORANDUM in Support re 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Exhibit A) Conyers Declaration, # 2 Exhibit B) IDOC Policy and Administrative Procedure, # 3 Exhibit C) Plaintiff's Grievance History, # 4 Exhibit D) Grievance No. 118778)(Flynn, Thomas) (Entered: 08/04/2021)
08/04/2021	22	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants C. JOHNSON, MORRIS, re 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . (Flynn, Thomas) (Entered: 08/04/2021)

09/29/2021	<u>23</u>	DECLARATION of Arron Smith re <u>20</u> Motion for Summary Judgment by AARON SMITH. (Attachments: # <u>1</u> Exhibit)(JDC) (Entered: 09/30/2021)
09/29/2021	<u>24</u>	BRIEF/MEMORANDUM in Support of Response in Opposition to Motion re <u>20</u> MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff AARON SMITH. (JDC) (Entered: 09/30/2021)
09/29/2021	<u>25</u>	RESPONSE re dkt. <u>20</u> , filed by Plaintiff AARON SMITH. (JDC) (Entered: 09/30/2021)
10/12/2021	<u>26</u>	MOTION for Extension of Time to File Reply to November 12, 2021 re <u>20</u> MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # <u>1</u> Text of Proposed Order)(Flynn, Thomas) (Entered: 10/12/2021)
10/14/2021	<u>27</u>	ORDER granting Defendants' <u>26</u> Motion for Extension of Time to File Reply to 11/12/2021 re <u>20</u> MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 10/14/2021. (SWM) (Entered: 10/15/2021)
11/12/2021	<u>28</u>	NOTICE of Change of Address for AARON SMITH. (AKH) (Entered: 11/12/2021)
11/12/2021	<u>29</u>	MOTION to Strike <u>25</u> Response, <u>24</u> Brief/Memorandum in Support, <u>23</u> Declaration in Opposition to Motion for Summary Judgment, filed by Defendants C. JOHNSON, MORRIS. (Flynn, Thomas) (Entered: 11/12/2021)
11/12/2021	<u>30</u>	REPLY in Support of Motion re <u>20</u> MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants C. JOHNSON, MORRIS. (Flynn, Thomas) (Entered: 11/12/2021)
11/23/2021	<u>31</u>	MOTION for Extension of Time to File Response to Motion to Strike dkt. <u>29</u> , filed by Plaintiff AARON SMITH. (JDC) (Entered: 11/24/2021)
11/30/2021	<u>32</u>	ORDER denying <u>29</u> Motion to Strike <u>29</u> MOTION to Strike <u>25</u> Response, <u>24</u> Brief/Memorandum in Support, <u>23</u> Declaration in Opposition to Motion for Summary Judgment, <u>31</u> MOTION for Extension of Time to ; denying as moot <u>31</u> Motion for Extension of Time to File (Copy to Plaintiff via U.S. mail) Signed by Magistrate Judge Tim A. Baker on 11/30/2021. (JDC) (Entered: 11/30/2021)
01/04/2022	<u>33</u>	MOTION for Certified Copy of Complaint, filed by Plaintiff AARON SMITH. (JDC) (Entered: 01/04/2022)
02/17/2022	<u>34</u>	MOTION to Withdraw Attorney Appearance <i>Molly McCann</i> , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # <u>1</u> Text of Proposed Order)(Flynn, Thomas) (Entered: 02/17/2022)
02/22/2022	<u>35</u>	ORDER granting <u>34</u> Motion to Withdraw Attorney Appearance. Attorney Molly Michelle McCann withdrawn. Signed by Magistrate Judge Tim A. Baker on 2/22/2022 Copy sent to Mr. Smith via US Mail (CBU) (Entered: 02/22/2022)
03/28/2022	<u>36</u>	ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT EXHAUSTION OF ADMINISTRATIVE REMEDIES - Aaron Smith is a prisoner of the Indiana Department of Correction. He brings this lawsuit against prison officials for failing to protect him from an attack by a fellow inmate. The defendants have moved for summary judgment on the basis that Mr. Smith failed to exhaust his available administrative remedies before filing suit. The defendants' motion for summary judgment is DENIED. The record before the Court shows that the plaintiff is entitled to summary judgment on the defendants' exhaustion defense. The Court gives the defendants notice of its intent to grant summary judgment in the plaintiff's favor on this issue. The defendants have through April 12, 2022, to respond to the Court's proposal and request a hearing pursuant to Pavey v.

		Conley, 544 F.3d 608 (7th Cir. 2008). Alternatively, the defendants may withdraw their exhaustion defense by that date. The failure to respond by this deadline will be interpreted by the Court as a withdrawal of the exhaustion defense. (See Order). Copies sent pursuant to distribution list. Signed by Judge James R. Sweeney II on 3/28/2022. (AKH) (Entered: 03/28/2022)
04/04/2022	37	NOTICE of Substitution of Appearance by Ian Devereux replacing <i>Thomas J. Flynn</i> on behalf of C. JOHNSON, MORRIS (Devereux, Ian) (Entered: 04/04/2022)
04/14/2022	38	ORDER - On March 28, 2022, the Court denied the defendants' motion for summary judgment on the exhaustion defense. Dkt. 36. The Court gave the defendants through April 12, 2022, to withdraw the defense or seek a hearing pursuant to Pavey v. Conley, 544 F.3d 608 (7th Cir. 2008). Id. at 7. The defendants were told that the "failure to meet this deadline will be interpreted by the Court as a withdrawal of the exhaustion defense." Id. at 8. The defendants have not sought a Pavey hearing, and the exhaustion defense is thus withdrawn. The Court will issue a pretrial schedule for the resolution of the plaintiff's claims in a separate order. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 4/14/2022.(SWM) (Entered: 04/15/2022)
04/14/2022	39	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 11/15/2022. Discovery due by 10/17/2022. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 4/14/2022.(SWM) (Entered: 04/15/2022)
05/18/2022	40	ORDER - Aaron Smith has filed a motion requesting a copy of his complaint. This motion, dkt. [33], is granted. The clerk is directed to send Mr. Smith a copy of his complaint, dkt. 1 , with his copy of this Order. Copies to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 5/18/2022. (SWM) (Entered: 05/18/2022)
06/03/2022	41	NOTICE of Substitution of Appearance by W. Andrew Kirtley replacing <i>Ian J. Devereux</i> on behalf of C. JOHNSON, MORRIS (Kirtley, W.) (Entered: 06/03/2022)
06/03/2022	42	NOTICE of Appearance by Andrew J. Upchurch on behalf of Defendants C. JOHNSON, MORRIS. (Upchurch, Andrew) (Entered: 06/03/2022)
07/22/2022	43	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants C. JOHNSON, MORRIS. (Shouse, Eric) (Entered: 07/22/2022)
08/15/2022	44	MOTION <i>for Leave to Depose Plaintiff</i> , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 08/15/2022)
08/17/2022	45	ORDER GRANTING LEAVE TO DEPOSE PLAINTIFF - State Defendants, by counsel, filed a Motion for Leave to Depose State Prisoner pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure. The Court, being duly advised, now GRANTS the motion, dkt. 44 . IT IS HEREBY ORDERED that Defendants are granted leave to depose Plaintiff, Aaron Smith, DOC# 167146, an inmate held in the custody of the Indiana Department of Correction at the Miami Correctional Facility no later than October 17, 2022, until such time as the deposition is concluded, by remote means outside the physical presence of the officer of the court/court reporter for the purposes of swearing in, if necessary, and subject to making reasonable accommodations within the Miami Correctional Facility. (Copy to Plaintiff via U.S. mail). Signed by Judge James R. Sweeney II on 8/17/2022. (JDC) (Entered: 08/17/2022)

09/09/2022	46	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants C. JOHNSON, MORRIS (Shouse, Eric) (Entered: 09/09/2022)
09/21/2022	47	NOTICE re Settlement Conference, filed by Plaintiff AARON SMITH (JDC) (Entered: 09/21/2022)
10/04/2022	48	NOTICE of Appearance by Carlton Wayne Anker on behalf of Defendants C. JOHNSON, MORRIS. (Anker, Carlton) (Entered: 10/04/2022)
11/15/2022	49	MOTION for Summary Judgment , filed by Defendants C. JOHNSON, MORRIS. (Shouse, Eric) (Entered: 11/15/2022)
11/15/2022	50	Designation of Evidence re 49 MOTION for Summary Judgment , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Exhibit A - Front Range Video, # 2 Exhibit B - Back Range Video, # 3 Exhibit C - Deposition of Smith, # 4 Exhibit D - Photograph of Johnson, # 5 Exhibit E - Affidavit of Wargny)(Shouse, Eric) (Entered: 11/15/2022)
11/15/2022	51	BRIEF/MEMORANDUM in Support re 49 MOTION for Summary Judgment , filed by Defendants C. JOHNSON, MORRIS. (Shouse, Eric) (Entered: 11/15/2022)
11/15/2022	52	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants C. JOHNSON, MORRIS (Shouse, Eric) (Entered: 11/15/2022)
11/15/2022	53	NOTICE of Manual Filing re 50 Designation of Evidence, filed by C. JOHNSON, MORRIS (Shouse, Eric) (Entered: 11/15/2022)
11/16/2022	54	MOTION to Withdraw Attorney Appearance of <i>W. Andrew Kirtley</i> , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Text of Proposed Order)(Moers, Diana) (Entered: 11/16/2022)
11/16/2022	55	MOTION to Withdraw Attorney Appearance of <i>Andrew J. Upchurch</i> , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Text of Proposed Order)(Moers, Diana) (Entered: 11/16/2022)
11/17/2022	56	receipt of Thumb drive re 53 NOTICE of Manual Filing re 50 Designation of Evidence, filed by C. JOHNSON, MORRIS (Shouse, Eric) (Attachments: # 1 Envelope) (JDC) (Entered: 11/17/2022)
12/05/2022	57	ORDER granting 54 Motion to Withdraw Attorney Appearance. Attorney W. Andrew Kirtley withdrawn. Signed by Magistrate Judge Tim A. Baker on 12/5/2022 Copy sent to Mr. Smith via US Mail (CBU) (Entered: 12/05/2022)
12/05/2022	58	ORDER granting 55 Motion to Withdraw Attorney Appearance. Attorney Andrew J. Upchurch withdrawn. Signed by Magistrate Judge Tim A. Baker on 12/5/2022 Copy sent to Mr. Smith via US Mail (CBU) (Entered: 12/05/2022)
12/05/2022	59	MOTION to Withdraw Attorney Appearance by <i>Diana Lynn Moers</i> on behalf of C. JOHNSON, MORRIS (Attachments: # 1 Text of Proposed Order Granting Motion to Withdraw) (Pope, Adrienne) Modified to correct event on 12/7/2022 (JRT). (Entered: 12/05/2022)
12/07/2022	60	ORDER granting 59 Motion to Withdraw Attorney Appearance. Attorney Diana Lynn Moers withdrawn. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 12/7/2022. (SWM) (Entered: 12/08/2022)
12/14/2022	61	MOTION for Extension of Time, filed by Plaintiff AARON SMITH. (JDC) (Entered: 12/14/2022)

12/15/2022	62	ORDER granting Plaintiff's 61 Motion for Extension of Time to File response to motion for summary judgment to 1/17/2023. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 12/15/2022. (SWM) (Entered: 12/15/2022)
12/21/2022	63	MOTION for Protective Order , filed by Defendants C. JOHNSON, MORRIS. (Attachments: # 1 Affidavit Affidavit of Robert Bugher, # 2 Text of Proposed Order Granting Motion for Protective Order)(Anker, Carlton) (Entered: 12/21/2022)
01/13/2023	65	ORDER DENYING DEFENDANTS' 63 MOTION FOR PROTECTIVE ORDER AS MOOT - Aaron Smith, an inmate at Miami Correctional Facility, is suing defendants Patsy Morris and Craig Johnson for failing to protect him from an assault by another inmate. Dkt. 9 . The deadline to serve discovery requests was September 17, 2022. See dkt. 39 , p. 4 (Pretrial Schedule, stating that the discovery deadline is October 17, 2022, and that all discovery requests must be served at least 30 days before that deadline). On December 21, 2022, the defendants filed a motion for a protective order, seeking in camera review of certain documents to protect the safety and security of the facility. Dkt. 63. According this motion, these documents were requested by the plaintiff on November 21, 2022. Id. at 1. Mr. Smith has not filed a response, and the time to do so has passed. Because the discovery request was served after the deadline set forth in the Pretrial Schedule, the motion for a protective order, dkt. 63 , is DENIED as MOOT. Copies sent pursuant to distribution list. Signed by Magistrate Judge Tim A. Baker on 1/13/2023. (AKH) (Entered: 01/13/2023)
01/18/2023	66	MOTION for Extension of Time, filed by Plaintiff AARON SMITH. (JDC) (Entered: 01/19/2023)
02/16/2023	67	ORDER granting Plaintiff's 66 Motion for Extension of Time to File response to motion for summary judgment to 3/17/2023. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 2/16/2023. (SWM) (Entered: 02/16/2023)
03/14/2023	68	RESPONSE re 49 MOTION for Summary Judgment , filed by Plaintiff AARON SMITH. (JDC) (Entered: 03/14/2023)
03/14/2023	69	BRIEF/MEMORANDUM in Support of response re 49 MOTION for Summary Judgment , filed by Plaintiff AARON SMITH. (JDC) (Entered: 03/14/2023)
03/14/2023	70	Designation of Evidence re 49 MOTION for Summary Judgment , filed by Plaintiff AARON SMITH. (JDC) (Entered: 03/14/2023)
03/27/2023	71	REPLY in Support of Motion re 49 MOTION for Summary Judgment , filed by Defendants C. JOHNSON, MORRIS. (Shouse, Eric) (Entered: 03/27/2023)
04/12/2023	72	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE - A Final Pretrial Conference is set for 1/18/2024 at 9:00 AM (Eastern Time) in room #307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge James R. Sweeney II. A Jury Trial is set for 2/5/2024 at 9:00 AM (Eastern Time) in room #307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge James R. Sweeney II. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 4/12/2023.(KAA) (Entered: 04/13/2023)
06/05/2023	73	ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - The defendants' motion for summary judgment, Docket Entry [49], is DENIED. Given the challenges inherent in late-stage litigation, Smith may benefit from the assistance of counsel. The CLERK IS DIRECTED to send him a motion for assistance recruiting counsel form with his copy of this Order. The defendants are ORDERED to file an updated Notice Regarding Settlement Conference within 21 DAYS OF THE ISSUANCE OF THIS ORDER. Copies to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 6/5/2023. (SWM) (Entered: 06/05/2023)

06/12/2023	74	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants C. JOHNSON, MORRIS (Shouse, Eric) (Entered: 06/12/2023)
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